

1 PACIFIC TRIAL ATTORNEYS  
2 A Professional Corporation  
3 Scott J. Ferrell (State Bar No. 202091)  
sferrell@pacifictrialattorneys.com  
4 4100 Newport Place Drive, Ste. 800  
Newport Beach, CA 92660  
5 Tel: (949) 706-6464  
Fax: (949) 706-6469

6 *Attorneys for Plaintiff*

7 **UNITED STATES DISTRICT COURT**

8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9  
10 JESSE CANTU, individually and on behalf of all  
others similarly situated,

11 Plaintiff,

12 v.  
13  
14 WW.COM, LLC, a Delaware limited liability  
company; WW INTERNATIONAL INC., a  
15 Virginia corporation; and DOES 1 through 25,  
inclusive,

16 Defendants.  
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18 Case No.: 2:22-cv-07977-MCS-JEM

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1 TO THE COURT, CLERK AND ALL PARTIES OF RECORD, please take notice that Plaintiff  
 2 Jesse Cantu (“Plaintiff”) hereby dismisses the instant action against Defendants WW.com, LLC and WW  
 3 International, Inc. (“Defendants”) pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure  
 4 *with prejudice* as to the Plaintiff’s individual claim, each side to bear its own costs, and *without prejudice*  
 5 as to the putative class members.

6 Pursuant to Rule 23(e), “the district court should inquire into possible prejudice from (1) class  
 7 members’ possible reliance on the filing of the action if they are likely to know of it either because of  
 8 publicity or other circumstances, (2) lack of adequate time for class members to file other actions, because  
 9 of a rapidly approaching statute of limitations, (3) any settlement or concession of class interests made by  
 10 the class representative or counsel in order to further their own interests.” *Diaz v. Trust Territory of the*  
 11 *Pacific Islands*, 876 F.2d 1401, 1408 (9th Cir. 1989).

12 In this instance, the *Diaz* factors weigh in favor of dismissal of Plaintiff’s individual claim with  
 13 prejudice. First, it is the Plaintiff’s counsel’s understanding that this action has not been publicized in any  
 14 way and as such, the putative class members are highly unlikely to have knowledge of it, or to have relied  
 15 upon it in any way. Similarly, Plaintiff’s counsel is unaware of any other circumstances that may have led  
 16 to the putative class’s knowledge of, or reliance upon, this action.

17 Second, the statute of limitations in this action is not approaching. Plaintiff’s claim was filed in  
 18 November 2022 and as such, based on the two-year statute of limitations for the claim alleged in this  
 19 action, the statute of limitations shall not run until November 2024. As such, the rights of the putative  
 20 class members are not impaired by the solely individual dismissal of Plaintiff’s claim with prejudice.

21 Lastly, Plaintiff and his counsel made no settlement or concession of class interests in connection  
 22 with this dismissal of Plaintiff’s individual claim.

23 An evaluation of the foregoing *Diaz* factors weigh in favor of dismissal of Plaintiff’s individual  
 24 claim with prejudice, and dismissal of the claims of putative class members without prejudice.

1 Respectfully submitted,

2 DATED: January 18, 2023

3 **PACIFIC TRIAL ATTORNEYS, APC**

4 By: /s/ Scott J. Ferrell

5 Scott J. Ferrell

6 Attorney for Plaintiff

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## **CERTIFICATE OF SERVICE**

I hereby certify that on January 18, 2023, I electronically filed the foregoing **PLAINTIFF'S NOTICE OF DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i)** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

DATED: January 18, 2023

By: /s/ Scott J. Ferrell  
Scott J. Ferrell